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AMENDMENTS TO THE DRAWINGS

The attached three (3) sheets of drawings include new Fig. 4. These sheets, which include Figs. 1, 2-3 and 4, respectively, replace the original two (2) sheets, which included Figs. 1 and 2-3, respectively.

Response to Office Action dated
09/07/2006

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Appl. No. 10/763,520
Atty. Docket No. HALO-01

4300057v1

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REMARKS

In this response, claims 1 and 10 have been amended and claims 9 and 11 have been canceled. Accordingly, claims 1-8 and 10 now remain pending in the present application. Reconsideration of the above-identified patent application is hereby requested.

In the Disposition of Claims section of the Office Action dated 9/27/06, the Examiner indicated that claims 9-11 had been withdrawn. However, in a telephone conference dated 11/7/06, the Examiner indicated to Applicant that these claims should not have been withdrawn.

I. Drawings

The Examiner objected to the drawings for not showing every feature of the invention specified in the claims. Specifically, the Examiner objected to the drawings for not showing the lid and cup being unattached. Accordingly, Applicant has added Fig. 4. The specification has been amended accordingly. No new matter has been added.

II. Specification

The specification has been amended to add a reference to new Fig. 4. No new matter has been added.

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II. Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-11 under 35 U.S.C. § 103(a) as being anticipated by Cantales (U.S. Patent No. 3,900,106) in view of Barnes (U.S. Patent No. 6,688,469) and/or Tomer (U.S. Patent No. 5,407,098). Reconsideration and withdrawal of this rejection is requested in view of the amendments and addition made to the claims and of the following discussion.

Applicant traverses this rejection. Applicant initially notes that Cantales does not teach a cup, but teaches a garbage can. Furthermore, nowhere in Cantales is it taught, suggested or implied to provide a lid that is separate and unattached to a cup and wherein the lid can be positioned in the recess in the wall of the cup.

With respect to the rejection of claims 9 and 11, the limitations of which have been added to claims 1 and 10, the Examiner states that "Cantales discloses the lid and cup being unattached, wherein the hinge is separate (Col 2, Lines 9-13)" Office Action dated 9/07/06 at page 4. However, Applicant believes that the Examiner has misconstrued the reference. Cantales is describing a separate hinge as opposed to a one piece construction. The hinge still connects the lid to the garbage can. The lid and can are not separate and unattached, they are attached by the hinge. Applicant submits that Cantales teaches away from having a lid separate from the can. Cantales states

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"This arrangement eliminates the problem of lost covers since the cover 12 is integral with the body portion 11." (Col. 2, lines 4-6). Neither Barnes nor Tomer make up for the deficiencies of Cantales. Accordingly, it is believed that claims 1 and 10, as amended distinguish over Cantales and Barnes.

In addition, dependent claims 2-8, by virtue of depending on independent claim 1 also recite the same limitations described herein.

In view of the foregoing discussion, Applicant submits that the § 103 rejections are overcome. Thus, Applicant respectfully requests that the § 103 rejections be withdrawn.

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CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

Dated: 11/7/06

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